

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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UNITED STATES OF AMERICA

v.

KIM DOTCOM, et al.,

Defendants

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)  
) The Honorable Liam O’Grady  
)  
)  
) Criminal No. 1:12-CR-3  
)  
)

**MOTION OF QUINN EMANUEL URQUHART & SULLIVAN LLP  
AND THE ROTHKEN LAW FIRM FOR LEAVE TO ENTER LIMITED  
AND SPECIAL APPEARANCES ON BEHALF OF MEGAUPLOAD LIMITED**

Non-parties Quinn Emanuel Urquhart & Sullivan LLP and the Rothken Law Firm (“Movants”), on their own behalf, respectfully move this Court for leave to enter limited and special appearances on behalf of Defendant Megaupload Limited (“Megaupload”) for the purpose of renewing its request to dismiss the Indictment without prejudice. Copies of the motion and memorandum that Movants propose to file pursuant to their limited and special appearances are appended hereto for the benefit of the parties and the Court. In the event that the requested leave is granted, Movants respectfully request that the proposed renewal briefing be accepted as filed *nunc pro tunc* as of this date.

The grounds for this Court to permit a limited appearance have already been briefed and need not be belabored. Indeed, this Court has already permitted Movants to appear on a limited basis. *See* April 13 Hrg. Tr. (Dkt. 84) at 27:21-23 (“THE COURT: I am going to allow you to appear limited, for purposes of this hearing today on a limited basis. I won’t hold you in the case after today.”). For present purposes, Movants simply incorporate by reference their prior briefing on this point, *see* Memo. in Support of Mot. for Leave to Enter Limited Appearance

(Dkt. 60); Rebuttal Memo. in Support of Mot. for Leave to Enter Limited Appearance (Dkt. 79); Mot. for Leave to Enter Limited and Special Appearances (Dkt. 96), focusing herein only on considerations that specially support grant of the requested leave at this time.

On October 9, 2012, the Court issued its Order on Megaupload's Motion to Dismiss the Indictment for Lack of Personal Jurisdiction. *See* Order (Dkt. 127). In that Order, the Court dismissed Megaupload's motion without prejudice on the grounds that the Government *may* be able to serve one of the individuals Defendants as the corporate parent's alter ego if (1) the individual Defendant is in fact extradited to the United States and (2) the Government can establish that alter ego status exists. The Court left open the questions of whether Megaupload has been denied due process by the Government's delay in attempting service of process and whether the Superseding Indictment should be dismissed until such time as the individual Defendants are extradited (if ever) and the alter ego analysis can be conducted. The Court declined to consider dismissal without prejudice pending potential extradition of the individual Defendants, unless and until Megaupload requested such relief.

Movants respectfully request that the Court permit them to enter limited and special appearances on behalf of Megaupload for the sole purpose of renewing its request, made at the July 27, 2012 hearing on Megaupload's motion to dismiss, that the Court dismiss the indictment against it until such as time as Megaupload may receive service and mailing in compliance with Federal Rule of Criminal Procedure 4.

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For the foregoing reasons, Movants respectfully request that the Court grant the undersigned leave to appear on a limited and special basis in order to renew Megaupload's request to dismiss the Indictment without prejudice.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 10, 2012, the foregoing MOTION OF QUINN EMANUEL URQUHART & SULLIVAN LLP AND THE ROTHKEN LAW FIRM FOR LEAVE TO ENTER LIMITED AND SPECIAL APPEARANCE ON BEHALF OF MEGAUPLOAD LIMITED was filed and served electronically by the Court's CM/ECF system upon all registered users.

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